

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA 99 FEB 25 AM 9:46
SOUTHERN DIVISION U.S. DISTRICT COURT
N.D. OF ALABAMA *Sub.*

MICHAEL D. OWENS,)
Plaintiff,)
vs.) CV 97-C-2557-S
SHARLEN ELROD; LT. MACK KENT;)
CHIEF DAVID STANDRIDGE; and)
SHERIFF LARRY STATON,)
Defendants.)

ENTERED

FEB 25 1999

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on February 2, 1999, recommending that the defendants' motions for summary judgment be granted and that this cause be dismissed without prejudice due to plaintiff's failure to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a). No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendants are entitled to judgment as a matter of law. Accordingly, defendants' motions for summary judgment

are due to be GRANTED and this action is due to be DISMISSED WITHOUT PREJUDICE. An appropriate order will be entered.

DONE this the 25 day of February, 1999.



U. W. CLEMON
UNITED STATES DISTRICT JUDGE